

all the limitations of the base claim and any intervening claims. Applicant is pleased to acknowledge the claim allowance and recognition of allowable subject matter.

The Examiner rejected Claim 1 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,896,707 to Cowles. The Examiner stated that Cowles discloses a collapsible funnel, comprising a generally rectangular planar body having a front edge, a rear edge, a first side edge, and a second side edge, the body formable into a funnel configuration by bringing first and second rear corner portions of the body adjacent to the intersections of the first and second side edges, respectively, with the rear edge in overlapping relation with each other without overlapping the first and second front corner portions of the body adjacent to the intersections of the first and second edges, respectively, with the front edge. The Examiner further stated that Cowles discloses connection means for connecting the rear corner portions of the body in the overlapping relation.

Cowles discloses a disposable funnel formed from a flat sheet into a conical configuration (e.g., column 3, lines 18, 24, and 46), for the purpose of transferring liquids from one container to another (e.g., column 3, lines 49 - 50; and column 4, lines 16 - 17). Cowles does not teach that the funnel is formed by “bring first and second rear corner portions of the body ... into overlapping relation with each other without overlapping the first and second front corner portions of the body”. (emphasis added.) The drawing figures in the Cowles patent show a funnel in which corners of the sheet used to form the funnel are not overlapped, but Cowles teaches that a person forming the funnel “is free to select the size of the funnel output orifice 16 as well as the funnel input orifice 17”. Therefore, it is clearly within the scope of the Cowles teaching to form a funnel in which the first and second front corner portions of the body are overlapped. It is also apparent from the Cowles specification and drawings that the “front” edge of the sheet, or body, between the front corners, is

formed into a generally circular arc. The generally circular arc configuration of the “front” edge of a funnel formed in accordance with Cowles is confirmed by Cowles’ frequent references to a “conic” shape.

In contrast to Cowles, Applicant specifically teaches that “the device of the invention provides a wide, flat entry area for leaves, etc. at the front of the device, and a smooth transition into a generally cylindrical throat through which leaves and other refuse may be easily passed...”. (e.g., page 9, lines 3 - 6; emphasis added.) The flat configuration of the front edge of the body of the device with the rear corners overlapped is also clearly shown in and supported by the drawings of the application. Cowles not only does not disclose or teach toward such a configuration, but actively teaches away from the configuration of Applicant’s device, which would not effectively serve the purpose expressed by the Cowles reference.

Applicant has amended Claim 1 of the application to recite that the front edge and the portion of the body immediately adjacent to the front edge remains substantially flat when the body is formed into a funnel configuration. Claim 1, as amended, is fully supported by the specification of the application, and the amendment does not add new matter to the application. Applicant believes and respectfully asserts that Claim 1, as amended, is clearly distinct from the Cowles disclosure and is patentable over the Cowles reference.

Claims 2 through 13 are dependent under Claim 1, either directly or through one or more intervening claims. Since Claim 1, as amended, is, as Applicant believes, allowable over the Cowles reference, Claims 2 through 13, which further limit the structure recited in Claim 1, are allowable by virtue of their dependency under an allowable base claim. Accordingly, the basis for objection to Claims 2 through 13 has been rendered moot.

Applicant believes that the grounds for rejection of Claim 1 and objection to Claims 2 through 13 have been addressed and met or overcome, and that all claims of the application are now in condition for allowance. No new matter has been added to the application, and no additional filing fee is seen to be due. Applicant respectfully requests that this amendment be entered and considered, and that a notice of allowance be issued in due course.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald B. SeFrna", is written over a horizontal line.

RONALD B. SEFRNA  
Registration No. 28,344  
P.O. Box 567  
Tyler TX 75710-0567  
(903) 592-5965 - Telephone  
(903) 592-5901 - Fax  
ATTORNEY FOR APPLICANT